

ESTTA Tracking number: **ESTTA317745**

Filing date: **11/19/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91192278
Party	Defendant Global Education Technologies, Inc.
Correspondence Address	ANNA KRIMSHTEIN LAW OFFICES OF ANNA KRIMSHTEIN, PLC 2203 NE 203RD TER MIAMI, FL 33180-1309  anna@aklawplc.com
Submission	Answer
Filer's Name	VINCENT M. AMBERLY
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Signature	/VMA/
Date	11/19/2009
Attachments	Answer to Notice of Opposition ENRICH.pdf ( 4 pages )(45696 bytes )

In the matter of Application of Serial No. 77/653862

Applicant.

## **ANSWER TO NOTICE OF OPPOSITION**

4. Applicant is without knowledge as to the truth of the allegations in Paragraph 4 of the Notice of Opposition and, therefore, denies those allegations.

5. Applicant is without knowledge as to the truth of the allegations in Paragraph 5 of the Notice of Opposition and, therefore, denies all of those allegations.

6. Applicant admits the allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant admits the allegations regarding Applicant's Application, but is without knowledge as to the truth of the allegations in Paragraph 7 of the Notice of Opposition and, therefore, denies those allegations.

8. Applicant is without knowledge as to the truth of the allegations in Paragraph 8 of the Notice of Opposition and, therefore, denies those allegations.

9. Applicant denies the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations in Paragraph 12 of the Notice of Opposition.

13. Each and every allegation of the Notice of Opposition herein not specifically admitted above is hereby expressly denied.

### **AFFIRMATIVE DEFENSES**

14. By way of affirmative defense, Applicant states that the Opposer's Trademark as claimed by Opposer is not distinctive of the goods for which it is used and/or registered.

15. By way of affirmative defense, Applicant states that Applicant's Trademark, as used for the goods and services set forth in Application Serial No. 77/653862, is not confusingly similar to Opposer's Trademark.

16. Applicant reserves the right to, and intends to, rely upon any and all other defenses properly provable under the facts herein as or after such defenses become known to Applicant, whether or not specifically pleaded above, including but not limited to the defenses of

abandonment, laches, estoppel, fraud, mistake, prior judgment, and any other matter which is or may become the basis of issue herein.

WHEREFORE, having fully answered the Notice of Opposition herein, Applicant respectfully requests that same be dismissed in its entirety and that its application, Serial No. 77/653862, proceed to registration.

Respectfully submitted,

**AMBERLY LAW**

Date: November 19, 2009

By: /Vincent M. Amberly/  
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Attorneys for Applicants

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was mailed by first class mail, postage prepaid, and a copy was sent via electronic mail to counsel for Opposer, Theodore D. Lienesch, Esq., Thompson Hine LLP, 2000 Courthouse Plaza NE, P.O. Box 8801, Dayton, Ohio 45401-8801, on this 19th day of November, 2009.

\_\_\_\_\_/Vincent M. Amberly/\_\_\_\_\_

Vincent M. Amberly